

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**MARSHALL DIVISION**

INTELLIGENT WATER SOLUTIONS, LLC	§	
	§	
Plaintiff	§	
	§	
vs.	§	Case No. 2:16-cv-00689-JRG
	§	
KOHLER CO.,	§	
	§	
Defendant.	§	

**Joint Claim Construction and Prehearing Statement**

Plaintiff Intelligent Water Solutions, LLC and defendant Kohler Co. jointly file this Claim Construction and Prehearing Statement pursuant to the Docket Control Order (Dkt. 29) and Local Patent Rule 4-3, and in support state:

**A. Agreed Claim Terms and Constructions**

Pursuant to Local Patent Rule 4-3(a), the chart below sets out the claim terms and constructions on which the parties agree:

Claim Term	Agreed Construction
“flow rate” (Claims 1, 26)	“volume of fluid passing per unit time”
“volume” (Claim 1, 26)	“amount of fluid dispensed or delivered”

**Terms Governed by 35 U.S.C. § 112(6):**

Claim Term	Agreed Construction
“user display means for displaying one or more system functions or parameters” (Claims 1, 26)	<u>Function</u> : Displaying one or more system functions or parameters  <u>Structure</u> : visual readout; visual display; LCD

	display; graphic display, audio display, tactile display
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**B. Disputed Claim Terms and Constructions**

Pursuant to Local Patent Rule 4-3(b), the parties have provided the disputed claims for the patent-in-suit in Exhibit A, filed herewith, with citations to supporting intrinsic and extrinsic evidence. Both parties reserve the right to cite to additional supporting intrinsic and extrinsic evidence developed in the course of claim construction discovery as claim construction discovery is on-going.

**C. Time for Claim Construction Hearing**

Pursuant to Local Patent Rule 4-3(c), the parties anticipate that they will need three hours to conduct the claim construction hearing and agree to divide that time equally.

**D. Witnesses at Claim Construction Hearing**

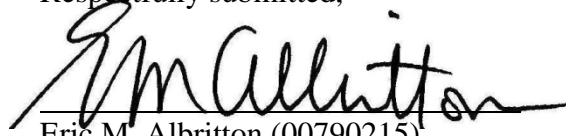
Pursuant to P. R. 4-3(d), the parties do not intend to call any expert witnesses at the claim construction hearing. The parties reserve the right to call or introduce testimony obtained from the inventors of the patent-in-suit.

**E. Other Issues**

Pursuant to Local Patent Rule 4-3(e), Defendant advises the Court that it has a pending motion to dismiss for lack of venue that turns on the Supreme Court's pending decision *In re TC Heartland*. (See Dkt. 44.)

Dated: March 15, 2017

Respectfully submitted,



Eric M. Albritton (00790215)

ema@emafirm.com

Shawn A. Latchford (24066603)

sal@emafirm.com

**ALBRITTON LAW FIRM**

P.O. Box 2649

Longview, Texas 75606

Telephone: (903) 757-8449

Facsimile: (903) 758-7397

Jay D. Ellwanger (24036522)

jellwanger@dpelaw.com

Daniel L. Schmid

dschmid@dpelaw.com

**DiNOVO PRICE ELLWANGER & HARDY LLP**

7000 North MoPac Expressway

Suite 350

Austin, Texas 78731

Telephone: (512) 539-2626

Facsimile: (512) 539-2627

***Attorneys for Plaintiff Intelligent Water  
Solutions, LLC.***

/s/Rachel N. Bach

Arthur Gollwitzer III (24073336)

agollwitzer@michaelbest.com

**MICHAEL BEST & FRIEDRICH LLP**

2801 Via Fortuna, Suite 300

Austin, TX 78746

Telephone: 512-640-3161

Rachel N. Bach (pro hac vice)

rnbach@michaelbest.com

**MICHAEL BEST & FRIEDRICH LLP**

100 East Wisconsin Avenue, Suite 3300

Milwaukee, WI 53202

Telephone: 414-271-6560

***Attorneys for Defendant Kohler Co.***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of March 2017, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by an email transmission and/or first class mail.

  
Eric M. Albritton